

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

REGULAR MEETING

MINUTES

Jarvis Hall

4501 Ocean Drive

Monday, December 7, 2009 (continued from November 10, 2009)

7:00 P.M.

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Vice Mayor Jerry McIntee, Commissioner Jim Silverstone, Commissioner Stuart Dodd, and Commissioner Birute Ann Clotey were present. Also present were Town Attorney Susan L. Trevarthen, Town Manager Esther Colon, and Deputy Clerk Nekisha Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

15. OLD BUSINESS

e. Discussion and/or action - Hillsboro Inlet Deferred at the October 27, 2009 Commission meeting by Commissioner Clotey

This item was considered along with item 16c.

Commissioner Clotey suggested setting a deadline for applications for the position.

Commissioner Dodd asked whether anyone on the Commission contacted Chairman Jack Hollins on the Hillsborough Inlet in regards to his performance on the Inlet Commission. Commissioner Clotey said she had not. She said appointments were usually made on an annual basis by this Commission. She added that it had nothing to do with his performance, but would encourage the people to get involved in the community.

Commissioner Dodd made a motion to nominate Commissioner Clotey for the position. Commissioner Clotey rejected the nomination. The motion failed for lack of a second.

Commissioner Clotey made a motion to collect applications and/or letters of interest from Town residents until January 7, 2010. Vice Mayor McIntee seconded the motion. The motion carried 3-2. Commissioner Dodd and Mayor Minnet voted no.

16. NEW BUSINESS

a. Commission approval to reschedule the September 28, 2010 Commission meeting due to the Jewish Holiday of Sukkot (Clerk White)

Commissioner Silverstone made a motion to defer to the second meeting in April, 2010. Commissioner Dodd seconded the motion. The motion carried 4 - 1. Vice Mayor McIntee voted no.

b. Commission approval of three (3) Hardship Permit Applications: (Clerk White)

- 1.) Beachview Apartments
- 2.) Sea Cliff Apartments
- 3.) Santa Barbara Inn

Vice Mayor McIntee made a motion to approve. Commissioner Silverstone seconded the motion. The motion carried 5 - 0.

c. Discussion and/or action on Hillsborough Inlet (Commissioner Dodd)

This item was considered previously with item 15e.

d. Discussion and/or action on the "Cone of Silence" rules (Commissioner Dodd)

Commissioner Dodd stated that he had reviewed the November 10, 2009 video where the Town Manager stated that a Commissioner had violated the Cone of Silence. He stated he simply replied to an email from a vendor regarding a previously opened RFP and on staff behavior. Commissioner Dodd stated that there was no Cone of Silence Ordinance in the Town of Lauderdale-By-The-Sea nor was it referenced in the Purchasing Manual or RFP. He added the Cone of Silence was in the Miami-Dade Code of Ethics that he submitted months ago.

Manager Colon stated that the City of Plantation confirmed that Lauderdale-By-The-Sea employees were never rude.

Commissioner Silverstone explained that, according to the Charter, the Commission was not to interfere with the Town Manager's duties. He believed Commissioner Dodd did that when he contacted the vendor. Commissioner Silverstone said he should not have taken the word of a vendor.

Vice Mayor McIntee stated that Commissioner Dodd should have verified the accusation instead of apologizing for it. He added that an investigation with the employees of the City of Plantation concluded that Lauderdale-By-The-Sea employees were always polite and friendly.

Commissioner Clotley stated that when she heard who the accusation was made against she was surprised as that person never had a bad word for anyone.

Mayor Minnet believed everyone understood the Cone of Silence and everyone had a different conclusion of how events occurred.

There was no further discussion.

- f. Discussion and/or action for a change in Town Code providing for restoration of building sites that remain uncompleted after building permits have expired (Commissioner Silverstone)

Commissioner Silverstone explained that he put this on the agenda to prevent issues in the future. He said he had since learned that there were preventive measures already in the code.

Commissioner Silverstone withdrew this item.

- g. Discussion and/or action regarding homeless people in our beach access areas, especially in Washingtonia Beach Park. LBTS should have posted signs indicating how long and when people can linger at each of the portals and Pavilion. No sleeping should be allowed on the benches (Commissioner Clotley)

Commissioner Clotley stated that she was told that the police could not move the homeless people along because there was no sign indicating when people could be there or not be there. She wanted to know what could be done to address the issue of people sleeping on the benches.

Chief Llerena explained that he had only seen 1 gentleman that was there 4 or 5 hours a day reading a book. He pointed out that Fort Lauderdale faced a lawsuit for violation of rights and harassing the homeless and advised caution.

Attorney Trevarthen stated that there was a fair amount of case law on that issue. She said the rule that emerged was that local governments may not criminalize especially if an adequate amount of shelters were not available.

Vice Mayor McIntee believed the Town should not get involved.

Commissioner Silverstone suggested that if legal, to close the portals from midnight to 5:00 a.m. Attorney Trevarthen stated that she would have to investigate more and suggested the Commission proceed cautiously.

Mayor Minnet asked whether BSO had the right to ask someone to leave the area when loitering signs were posted and suggested posting the signs on the portals. Chief Llerena stated that BSO could enforce it if the Town wanted to put the signs on the portals.

There was no further discussion.

- h. Discussion and or action regarding: At the last Commission meeting when I was speaking on the last item, Mrs. Barbara Cole called me "inappropriate words". This goes way beyond a person's freedom of speech rights. People acting like that should be removed from the meeting immediately and asked not to return to the next meeting (Commissioner Clottey)

Commissioner Clottey stated that the Mayor had done a good job controlling the current meeting and the last meeting. She hoped Mayor Minnet would continue to be more diligent.

Commissioner Clottey withdrew this item.

- i. Discussion and/or action regarding a contest for a new slogan (Commissioner Clottey)

Commissioner Clottey inquired as to whether it was time to change the slogan "The Prettiest Little Town in America".

Mayor Minnet said she had a phone call regarding the same from the Chamber of Commerce who suggested "Florida's Seaside Community". She suggested inviting the Chamber of Commerce to the next meeting for their input and to incorporate something into that slogan for the Town.

Commissioner Silverstone thought it was a great idea and believed everyone should have the same slogan. Vice Mayor McIntee agreed and suggested a contest. Mayor Minnet suggested they start with the slogan from the Chamber of Commerce.

Commissioner Clottey suggested placement on the web site for people to submit their slogans. The Commission agreed.

There was no further discussion. Towards the end of the meeting the Commission voted in favor of discussing the submitted slogans at the February 22, 2010 Commission meeting.

- j. Town Commission Approval of Processing of Proposed Regulatory Changes (Assistant Town Manager Olinzock)

Attorney Trevarthen explained this was for the public hearing on Resolution 2009-28 that previously passed. She stated that Town Code required public comment on that Resolution prior to proceeding with the Ordinances to amend Chapter 30.

Mayor Minnet opened the meeting for public comments.

Yann Brandt suggested moving the item to the next agenda.

Barbara Cole agreed with Mr. Brandt.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

Commissioner Dodd did not see the recommendation of the Planning and Zoning Board on November 18, 2010. Attorney Trevarthen stated that the time table had been adjusted to allow the current public hearing to occur. She added that the Planning and Zoning hearing would follow.

Commissioner Silverstone made a motion to approve. Commissioner Dodd seconded the motion. The motion carried 5 - 0.

Commissioner Dodd believed there should be a date for the public to submit slogans to ensure closure.

Commissioner Silverstone believed there should be a definite date selected in regards to collecting slogans in order to give the item closure.

He made a motion to gather the slogans submitted and discuss them at the February 22, 2010 Commission meeting. Vice Mayor McIntee seconded the motion. The motion carried 5 - 0.

17. TOWN ATTORNEY REPORT

There were no reports.

18. ADJOURNMENT

Vice Mayor McIntee made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 7:56 p.m.

19. FUTURE AGENDA ITEMS

Mayor Roseann Minnet

ATTEST:

Town Clerk, June White

Date